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10/568,099

02/13/2006

Akio Higashi

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EXAMINER

BUI, BRYAN P

ART UNIT

PAPER NUMBER

2153

MAIL DATE

DELIVERY MODE

12/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/568,099

Applicant(s)

HIGASHI ET AL.

Examiner

Bryan P. Bui

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/13/2006</u> .                                              | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant has submitted a preliminary amendment to Application No. 10/568099 on February 13, 2006 claiming priority from PCT Application PCT/JP04/014667 filed on September 29, 2004 claiming priority from Foreign Application (JAPAN) 2003-378574 filed on November 07, 2003. This following office action is based on the preliminary amendment filed on February 13, 2006 having claims 1-32 and Figures 1-32.

#### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/JP04/014667 filed on September 29, 2004. The priority date considered for the application is November 07, 2003, which is the filing date of Foreign Application mentioned above.

#### **Status of Claims**

Claims 1-32 are pending and have been examined.

Claims 1, 30, 31 and 32 are independent claims.

Claims 1-32 are rejected for the reasons discussed in detail below.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 02/13/2006 has been received and entered into the record. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

4. The references cited in the Search Report issued by European Patent Office on December 21, 2004 have been considered, because they were in compliance with 37 CFR 1.98(a)(1). They have been placed in the application file and the information referred to therein has been considered as to the merits.

***Specification***

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

6. Claim 12 and 28 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 12 is identical in wording to claim 10. However, both claims 10 and 12 are depending on claim 9 and directed to the same limitation of "the control information" as cited in claim 9. Thus, claim 12 recites nothing but what has been already claimed in claim 10.

Claim 28 is similar in scope with claim 27, and both of them depend on claim 26. Thus, claim 28 recites nothing but what has been already claimed in claim 27.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Application Publication No. 2003/0005135 A1 issued to Inoue et al. (hereinafter "Inoue").

Inoue discloses:

As to claim 1,

A content reproduction control system (Fig. 1 (100): "A license management system") comprising a server apparatus (Fig. 1 (110): "Right Management Server") and a terminal apparatus (Fig. 1 (140), (150): "ParentTerminal", "ChildTerminal") that are

connected to each other via a communication path (Fig.1 (160)), wherein:

the server apparatus includes:

a control information generation unit (Fig.1 (117): "license ticket generation unit") operable to generate, based on time information attached to a content, control information which specifies a range for permitting and prohibiting a user's predetermined operation on the content performed in the terminal apparatus (see Fig.6 (600): "Parental control information" and p. [0087], lines 1-10); and

a distribution unit (Fig.1 (132): "distribution unit") operable to distribute the control information to the terminal apparatus.

the terminal apparatus includes:

a content use unit (Fig.1 (156): "content reproduction unit") operable to use the content;

a receiving unit (Fig.1 (152): "communication unit") operable to receive the control information; and

a content use control unit (Fig. 1 (156): "content reproduction unit") operable to control a reproduction of the content based on the received control information, the reproduction being included in the use of the content performed by the content use unit.

As to claims 2, 3 and 4,

wherein the control information indicates a section where a special reproduction of the content is prohibited. (see Fig. 6, 10)

wherein the control information indicates a section where only a normal reproduction of the content is permitted. (see Fig 6,10).

wherein the control information indicates a section where a preview of the content is permitted.(see paragraph [0086]).

As to claims 5 and 6,

wherein the time information is a value of the time information attached to the content (see Fig.6 (605) "a cumulative usage time restriction")

wherein the time information is composed, based on at least one of a Program Clock Reference of a Transport Stream, a Presentation Time Stamp of a Packetized Elementary Stream, and a Decoding Time Stamp of the Packetized Elementary Stream (see paragraph [0180]).

As to claims 7 and 8,

wherein the time information is composed of time information about a beginning of the content and time information about an offset from the beginning of the content (see paragraph [0181]).

wherein the time information is composed based on at least one of a Program Clock Reference of a Transport Stream, a Presentation Time Stamp of a Packetized Elementary Stream, and a Decoding Time Stamp of the Packetized Elementary Stream (see paragraph [0180]).

As to claim 9,

wherein the receiving unit receives the control information by broadcasting from the server apparatus (see paragraph [0056], lines 19-25).

As to claims 10 and 12,

wherein the control information is issued for a user's contract and assigned to either a main license indicating a license which allows use of a plurality of contents under the contract or a sublicense indicating a license issued for a single content.

(see paragraph [0175], lines 10-17).

As to claim 11,

wherein the receiving unit receives the control information through communication with the server apparatus (see Fig.1 (160)).

As to claim 13,

wherein the control information includes a type of the permitted operation (see Fig. 6,10).

As to claims 14 and 15,

wherein the control information includes at least one of, for until a specific operation is permitted, a number of viewings, viewing time and a viewing validity period (see Fig. 6, 10).

wherein the specific operation is one of a commercial message skip, a commercial message fast-forward and a commercial message rewind (see paragraph [0089]).

As to claims 16 and 17,

wherein the control information includes a limit concerning a permitted number of operations or permitted time. (see Fig. 6, 10)

wherein the permitted operation is a preview of the content (see paragraph [0161], lines 23 -28).

As to claim 18,

this claim is similar in scope with claim 10 and 12, therefore is rejected with the same rationale with claims 10 and 12.



As to claim 19,

wherein the content use control unit controls use of the content so that the predetermined operation cannot be operated when the control information is not yet obtained (see paragraph [0092]).

As to claims 20 and 21,

wherein the terminal apparatus further includes a viewing record recording unit operable to record a viewing record including a viewed portion of the content, and the content use control unit controls use of the content in the content use unit using the control information and the viewing record (see Fig. 1 (155): "content storage unit").

wherein the content use control unit controls a permission for a special reproduction of the content to permit a special reproduction of the content when an amount of the viewing records exceeds a limit of the amount of the viewing records which can be included in the control information( see paragraph [0087]).

As to claim 22,

wherein the control information generation unit predicts a value of time information and generates the control information when the content is a stream type content. (see paragraph [0124]).

As to claims 23 and 24,

wherein the control information generation unit generates, when the content is a stream type content, the control information after a delivery of the content is started (see Fig 6, 10).

wherein the control information generation unit further generates control information only including a beginning time of a distribution of the content, and the distribution unit distributes the generated control information after the distribution of the control information which excludes the generated control information (see paragraph [0125]).

As to claim 25,

wherein the control information generation unit generates, when the content is a file type content, the control information using time information after a value is defined (see Fig. 6, 10).

As to claims 26, 27 and 28,

wherein the control information is assigned at least to one of a content key (Kc) distribution Entitlement Control Message (ECM), an Entitlement Control Message-work key (ECM-Kw) and an Entitlement Control Message-content key (ECM-Kc) for digital broadcasting. (see paragraph [0057]: "license ticket")

wherein different control information are assigned respectively to the ECM-Kw and the Kc distribution ECM. (see paragraph [0009], lines 12-18).

As to claim 29,

wherein a portion of the predetermined operation that is permitted or prohibited is different between two cases: when the content is viewed in a real time; and when the content is stored and viewed. (see paragraph [0158]).

As to claims 30, 31 and 32,

they are similar in scope to claim 1. All the limitations of those claims have been noted in the rejection of claim 1. Thus, claims 30, 31 and 32 are rejected under same rationale as claim 1.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Iida et al. (US Pat No. 6,942,143 B1)

Choy (US Pat No. 6,141,754)

Otani et al. (US Pat No. 6,425,011)

Hori et al. (US Pat No. 7,010,809 B2)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is (571)-270-1981. The examiner can normally be reached on Monday-Friday from 7:30 am to 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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BB

  
NATHAN FLYNN  
SUPERVISORY PATENT EXAMINER